

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JANET MCCRACKEN,

CASE NO. C17-0112JLR

Plaintiff,

ORDER GRANTING IN PART
AND DENYING IN PART
PLAINTIFF'S MOTION TO
REOPEN CASE

MERCHANTS CREDIT
CORPORATION,

Defendant.

Before the court is Plaintiff Janet McCracken's motion to reopen the above-entitled case because the parties' have not yet perfected their settlement. (Mot. (Dkt. # 16).) Specifically, Ms. McCracken seeks additional time for parties to perfect their settlement. (*See id.* at 1.) As described below, the court GRANTS in part and DENIES in part her motion.

On August 23, 2018, the court entered an order of dismissal because the parties had notified the court that they had settled their dispute. (Order (Dkt. # 15).) In its order,

1 the court stated that if the parties' settlement "is not perfected, any party may move to
2 reopen the case, provided that such motion is filed within 60 days of the date of th[e]
3 order." (*Id.* at 1-2.) Ms. McCracken timely filed her motion to reopen on October 22,
4 2018. (*See* Mot.) She asks the court to "reopen this matter" but also asks for "at least 30
5 more days for the parties to perfect the[ir] settlement." (*Id.* at 1.) Apparently, at the time
6 of her motion, Ms. McCracken's counsel had not yet received settlement funds from
7 Defendant Merchant Credit Corporation ("MCC"). (*See* Trigsted Decl. (Dkt. # 17) ¶ 2.)

8 MCC did not respond to Ms. McCracken's motion. (*See generally* Dkt.) A
9 party's failure to respond to a motion "may be considered by the court as an admission
10 that the motion has merit." Local Rules W.D. Wash. LCR 7(b)(3). However, in this
11 instance, there is no need for the court to "reopen" the case. Instead, the court grants the
12 parties an additional 30 days from the date of this order to perfect their settlement. If the
13 settlement is not perfected within that time period, any party may so notify the court
14 within the same timeframe and the court will reopen the case at that time. Accordingly,
15 the court GRANTS in part and DENIES in part Ms. McCracken's motion (Dkt. # 16).

16 Dated this 28th day of November, 2018.

17
18
19
20
21
22



JAMES L. ROBART
United States District Judge